

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

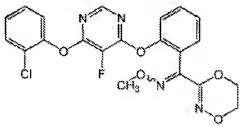
Authorization for this examiner's amendment was given in a telephone interview with Cynthia Bouchez on September 11, 2009.

In the Claims:

Rewrite claim 1 as set forth below.

Claim 1. (Currently amended) A formulation comprising:

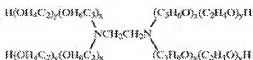
- a) 1-40 w/w% fluoxastrobin,



- b) 5-30 w/w% emulsifier,
c) optionally a penetration promoter, and
d) optionally additives,

wherein the formulation contains 20-70 w/w% γ -butyrolactone and 5-20 w/w% of at least one ethylene diamine alkoxylate, which acts as an emulsion stabilizer or a crystallization inhibitor, or both.

Claim 3. Delete the term "Synperonic T/304®" in line 2 and insert the terms "an ethylene diamine alkoxyolate of the formula

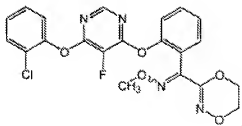


, wherein x and y are both 4".

Rewrite claim 9 as set forth below.

Claim 9. A method for producing the formulation according to claim 1, comprising mixing

a) 1-40 w/w% fluoxastrobin,



b) 5-30 w/w% emulsifier,

c) optionally a penetration promoter, and

d) optionally additives,

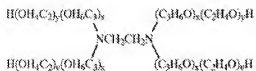
e) 20-70 w/w% γ -butyrolactone, and

f) 5-20 w/w% of an emulsion stabilizer or a crystallization inhibitor, or both.

Claim 10. Delete the terms "agrochemical formulations" in line 2 and insert "an effective amount of an agrochemical formulation".

In the Specification:

One page 3, line 7, after Synperonic T/304® insert "having the chemical



formula

, wherein x and y are both 4".

REASONS FOR ALLOWANCE

The following is a statement of reasons for allowance: A composition comprising fluoxastrobin, an emulsifier, γ -butyrolactone, and at least one ethylene diamine alkoxylate at the specific weight percentages is free of the prior art. The specific weight percentages of the components as outlined on page 15 lines 22-30-page 16, lines 1-4 are not taught in the prior art. The closest prior art, The Dutzmann Publication, teaches the use of fluoxastrobin as a leaf-systemic broad-spectrum fungicide. The Dutzmann Publication, however, does not suggest or teach the combination of fluoxastrobin with an emulsifier, γ -butyrolactone, and at least one ethylene diamine alkoxylate at the specific weight percentages.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andriae M. Holt whose telephone number is (571)272-9328. The examiner can normally be reached on 7:00 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richter Johann can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andriae M. Holt
Patent Examiner
Art Unit 1616

/Johann R. Richter/
Supervisory Patent Examiner, Art Unit 1616